IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE A. GOPAL REDDY

WRIT PETITION NO: 20075 of 2004

Between:

Kande Krishnaiah, S/o Naraiah,

Aged about 51 years, R/o H.No.1-8-59, OCC: Agriculture

Ramnagar, Podalakur, Nellore District.

... PETITIONER

AND

1. The District Collector, Nellore

Nellore District.

2. The Mandal Revenue Officer,

Podalakur, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly in the nature of Writ of Mandamus declaring the notice dated 27.10.2004 issued by the 2nd respondent under Section 7 of the A.P.Land Encroachment Act in respect of 30 ankanams of site comprising in Sy.No.191 of Ramnagar, Podalakuru Village & Mandal, Nellore District, wherein the petitioner's house is existing for the last more than 32 years as illegal, arbitrary, unjust and without jurisdiction and consequently set-aside the same.

Counsel for the Petitioner: MR. P. Sridhar Reddy

Counsel for the Respondents: G.P. for Revenue

The Court, at the admission stage, made the following:

ORDER:

By the impugned notice issued under Section 7 of the Land Encroachment Act (for short 'the Act') petitioner was called upon to show cause why he should not evicted from the land after having over the cops, etc. Petitioner, instead of filing his objections to the said show cause notice and inviting an order under Section 6 of the Act, against which an appeal is also provided under Section 9 of the Act, filed the present writ petition hastily, which cannot be entertained.

2. Petitioner is at liberty to file explanation to the said show cause notice within one week from today and on filing such explanation, if no orders under Section 6 of the Act are passed, respondents shall consider the same and pass appropriate orders and communicate the same to the petitioner for enabling him to avail the remedies available to him under the Act.

The writ petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 2, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The District Collector, Nellore

Nellore District.

2. The Mandal Revenue Officer,

Podalakur, Nellore District.

3. Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.